

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph F. Fitzpatrick et al. : Art Unit: 3301  
 Serial No.: 08/703,794 : Examiner: P. Wingood  
 Filed: August 27, 1996 : Office of Publications  
 FOR: BODY FUNCTION : Attn: Issue Branch  
 MEASURING APPARATUS : Batch P59

RESPONSE TO EXAMINER'S STATEMENT  
OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents  
 Washington, D.C. 20231

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SIR:

Applicants have the following comments in response to the Examiner's Statement of Reasons for Allowance.

Applicants' invention is not limited to skin temperature measurement and the use of thermistors as sensors. Certain of the claims are not limited to skin temperature measurement and the use of thermistors as sensors. Rather, as stated at page 1, lines 6 through 8 of Applicants' specification, Applicants' invention has broader application. Certain of the claims are directed to "body function measuring apparatus" and, when Applicants' invention is used to measure other body functions, the particular type of sensors would be selected accordingly.

Second, the difference between the rates of change of the body function signals exceeding a threshold represents a difference in proximities of the sensors to the skin, not a difference in proximity to the skin of both sensors as the Examiner has stated.

Respectfully Submitted,

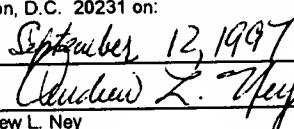
  
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Dated: September 12, 1997

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 Andrew L. Ney